

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

|                         |   |                        |
|-------------------------|---|------------------------|
| IN RE: ROGER SONGER AND | { | CHAPTER 13             |
| CATHY SONGER,           | { |                        |
|                         | { |                        |
| DEBTOR(S)               | { | CASE NO. R19-40788-PWB |
|                         | { |                        |
|                         | { | JUDGE BONAPFEL         |

**OBJECTION TO CONFIRMATION**

COMES NOW MARY IDA TOWNSON, TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.
2. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
3. The Debtor(s)' has/have not filed copies of all payment advices or other evidence of payments received within sixty (60) days before the date of the filing of the petition as required by 11 U.S.C. §521(a)(1)(B)(iv) and Rule 1007(b)(1)(E) F.R. Bankr. P.
4. Debtors' plan section 3.4 appears to be incomplete including no check box for lien being avoided.
5. The Form 122C filed in this case fails to disclose all of the Debtor's income in the six months preceding the filing of this case.
6. The Debtor(s)' Schedule I fails to accurately reflect three (3) dependents thereby preventing the Chapter 13 Trustee from determining the feasibility of the proposed plan, in violation of 11 U.S.C. Section 1325 (a)(6).
7. Debtor has failed to disclose a transfer of two (2) vehicles on the Statement of Financial Affairs, in possible violation of 11 U.S.C. Section 521(a)(1)(B)(iii) and Section 1325(a)(3).
8. The proposed composition plan provides for the funding of a motorcycle, a secured debt that may be excessive and unnecessary for the support of Debtor or Debtor(s) dependents, thereby indicating a lack of good faith, in violation of 11 U.S.C. Section 1325(a)(3).

Mary Ida Townson, Chapter 13 Trustee  
Suite 2200  
191 Peachtree Street, N.E.  
Atlanta, GA 30303-1740  
404-525-1110  
albertg@atlch13tt.com

9. Pursuant to Debtor(s) testimony, the monthly expense for automobile payment is less than that reflected on Schedule J so that the Debtors have \$530.00 in additional disposable income to contribute to the plan. 11 U.S.C. Sections 1325(a)(3) and 1325(b)(1)(B).

10. The Debtor(s)' plan does not provide for payment of all of the Debtor(s)' disposable income to the Trustee for thirty-six (36) or more months as required by 11 U.S.C. Section 1325(b)(1)(B).

11. Though the proposed Chapter 13 plan includes text in Sections 3.3 and 4.4, the appropriate box has not been checked for that section, possibly rendering the proposed provision ineffective.

12. The Debtors Schedule I fails to accurately reflect pay deductions thereby preventing the Chapter 13 Trustee from determining the feasibility of the proposed plan, in violation of 11 U.S.C. Section 1325 (a)(6).

13. The payout of the claim(s) owed to Nissan Motor Acceptance Corp will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny confirmation of this Debtor's(s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

May 22, 2019

\_\_\_\_\_  
/s  
Albert C. Guthrie, Esq.  
for Chapter 13 Trustee  
GA Bar No. 142399

Mary Ida Townson, Chapter 13 Trustee  
Suite 2200  
191 Peachtree Street, N.E.  
Atlanta, GA 30303-1740  
404-525-1110  
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R19-40788-PWB

**CERTIFICATE OF SERVICE**

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

DEBTOR(S):

ROGER SONGER  
1537 PAMELA DR  
TUNNEL HILL, GA 30755-9550

CATHY SONGER  
1537 PAMELA DR  
TUNNEL HILL, GA 30755-9550

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES

This 22<sup>nd</sup> day of May, 2019

\_\_\_\_\_/s  
Albert C. Guthrie, Esq.  
for Chapter 13 Trustee  
GA Bar No. 142399

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